

guilty of such an act. As to the election districts, he would say that in his district, a voter four-fifths of whose land lay on one side the district line, and his residence on the other, would not be permitted to vote where the greater part of his land was, but where his residence stood.

Mr. BROWN called on a colleague to bear him out in the assertion, that no illegal voters had come over the Pennsylvania line into his district.

Mr. SHOWER declared in the most solemn and emphatic manner that so far as he knew, no Pennsylvania Democrat had ever voted in Maryland.

The question was then taken on the amendment of Mr. KILGOUR, and the result was as follows:

*Affirmative.*—Messrs. Chapman, President, Morgan, Dent, Hopewell, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Merrick, Jenifer, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Sprigg, Dirrickson, McMaster, Hearn, Fooks, Annan, McHenry, Magraw, Davis, Kilgour and Waters—38.

*Negative.*—Messrs. Blakistone, Ricaud, Sellman, Bell, Welch, Chandler, Ridgely, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Bowie, McCubbin, Spencer, Grason, George, Wright, Shriver, Gaiter, Biser, Sappington, Stephenson, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Brent, of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—48.

So the amendment was rejected.

Mr. PHELPS. Let us now try five days. I move that amendment.

Mr. BROWN. I rise to a point of order. With the exception of one word, we have defeated this amendment, I know not how many times. The frame-work of the proposition is the same, with the exception only of the time that shall fill the blank, and gentlemen must perceive by this time that the Convention will not supply that blank with anything.

Mr. MITCHELL suggested that the gentleman might be mistaken. He (Mr. M.) could refer to one gentleman who would go for the provision with the limitation of five days, who had not yet voted against any other period of time. There might be other members of the Convention similarly disposed.

Mr. BROWN. I withdraw the point of order.

Mr. SPENCER was opposed to all further restrictions on the suffrage. The penal law might be strengthened, if necessary; the penalties might be increased; officers who were not vigilant in the detection of illegal voters, might be punished. But there ought to be no further restriction on the ballot-box.

Mr. PHELPS said his friend from Queen Anne said we ought to rely on the penal laws. Now he had been much engaged in politics, but he had never known an instance where a voter had been disfranchised.

Mr. SPENCER referred to an instance of a conductor of a whig paper who was rejected, although a legal voter, because he could not specify the exact term of his residence to a day.

Mr. PHELPS said that case was not in his county. In reply to which the gentleman had said concerning the penal laws, they had hitherto been inefficient. The penal laws have been long in operation. A man in his county was presented by the Grand Jury, and prosecuted for bribery, and then came to Annapolis, and obtained a *nolle prosequi*. This was not the only instance of executive interference. He knew of one case in which a whig Governor, and another in which a democratic Governor interfered. We cannot find security for the purity of the ballot-box, unless we impose some limits on the term of residence. The remarks of his colleague had deep force in them, and were strongly impressed on his mind.

Mr. MERRICK, after stating that it was better to be a listener and a learner, than a speaker, said that one idea had struck him, which he would lay before the Convention. The gentleman from Queen Anne thought the existing penal laws sufficient, and that he would go as far as any one to make them more stringent. Now, we have heard a good deal from learned lawyers and judges, who after poring over the books, tell us that if a man from an adjoining ward goes into another ward of the city, and sleeps one night, he may gain his vote in that ward. Now, he desired to give his vote to check this evil, by sustaining that amendment fixing the term of residence at five days. As we are, the law is perfectly insufficient to check the evil. He thought a residence of five days proper. A man is not bound to be there every hour, but he must have his residence there, although he may work at Washington.

Mr. BOWIE suggested that if this amendment was adopted, it would make an important change in our election laws which now require six months residence in the county, twelve months in the State, and according to the construction of judges of election and others, one day in Baltimore city. The present system has stood the test of the experience of seventy years. Originally a property qualification was required, and in consequence of the universality of the term freeman, even free negroes were included. Subsequently these provisions have been repealed, and the qualifications of residence as they now stand have been acquiesced in by the people. We are now sent here to form a new Constitution. Complaints have been made as to the working of some parts of the present constitution, but he had heard of none against that which relates to the elective franchise. He wished to ask whether it was intended to get rid of the abuse of power by getting rid of the power itself. Was not that too great a sacrifice. He then quoted the provisions of the existing Bill of Rights, in relation to the suffrage; and stated that the right was not derived from the Bill of Rights or the Constitution. It had a far higher origin. It existed with and belonged to the people, as members of the body politic. He did not come here to put new shackles